

09/871390

attach. to paper #11.

ANNEX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MAUDE ET AL.)
SERIAL NUMBER: 09/871,390) Group Art Unit:
FILED: MAY 31, 2001) 2854
FOR: PROCESS FOR APPLYING A) Before the Examiner:
DECORATIVE PATTERN TO) Leslie Evanisko
EARPLUGS)

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 CFR 1.131

Daniel A. Maude and John Jurney, the undersigned, hereby declare and say
that:

1. We are the sole inventors of the invention claimed in the above-identified patent application.
2. We conceived in the United States the invention disclosed and claimed in the above-identified patent application prior to March 14, 2000 and then worked on diligently reducing the invention to practice in the United States prior to March 14, 2000 and further diligently reduced the invention to practice in the United States by filing an application for patent in the United States Patent & Trademark Office.

3. As evidence in support of this prior conception, diligence, and reduction to practice, submitted herewith is the following evidence of activity performed in the United States.

(a) Exhibit A is a copy of a Record of Invention Disclosure, with dates redacted, prepared by us prior to March 14, 2000 showing conception of the invention. Exhibit A clearly discloses the claimed subject matter of the above-identified application for patent. Particularly, the Record of Invention Disclosure describes a method of decorating earplugs to allow for printing on multiple surfaces of the earplug. The decoration is described as including custom logos, printer text, and other patterns. The Record of Invention Disclosure further teaches a method of orienting and conveying earplugs past a printing machine to apply such decoration.

(b) With respect to reduction to practice, on May 31, 2000 we filed U.S. Provisional Patent Application Serial No. 60/208,250 concerning the invention described in the Record of Invention Disclosure of Exhibit A, and on May 31, 2001 we filed the present nonprovisional patent application concerning the invention and claiming priority to the above-mentioned provisional application, thus effecting a constructive reduction to practice.

(c) With respect to diligently reducing the invention to practice, it is our understanding that Exhibit B includes an internal letter of Aearo Company (Assignee of the present application), sent November 19, 1999, which officially reports the Record of Invention Disclosure of Exhibit A to the Aearo Company Legal Department. Further, it is our understanding that our disclosure of the

invention to the Aearo Company Legal Department was taken up and processed with reasonable diligence.

(d) With respect to diligently reducing the invention to practice, it is our understanding that Exhibit C includes an Aearo Company letter sent on March 10, 2000 to outside patent counsel, Cantor Colburn LLP, enclosing the Record of Invention Disclosure of Exhibit A with regard to initiating preparation of an application for patent on the disclosed invention.

(e) It is further our understanding that Cantor Colburn LLP, after receiving the letter shown in Exhibit C, exercised reasonable diligence in preparing a draft of the application. It is also our understanding that within weeks of receiving the letter of Exhibit C, Cantor Colburn LLP began preparation of a draft application and then sent the draft application to us for our review on May 18, 2000 and then again on May 24, 2000, as shown in Exhibit D. With reasonable diligence, we reviewed and approved the draft application and such was then filed by Cantor Colburn LLP in the United States Patent and Trademark Office on May 31, 2000 as U.S. Provisional Application 60/208.250. It is our understanding that the present application was then filed on May 31, 2001 claiming priority to the provisional application.

4. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: 3/25/03


Daniel A. Maude

Date: 3/25/03


Joan Jurney

EXHIBIT A

Aearo Company

Record of Invention Disclosure

R.I.D. No. 033

Title: Earplug Printing

Description:

A method to decorate polyurethane or PVC earplugs to allow for printing on multiple surfaces of the earplug. Earplugs can be decorated and uniquely identified with the addition of a contrasting colored ink or dye. The decoration would be used for custom logos, printer text and other patterns used for graphic styling or earplug identification. The decoration can be placed along the length of the plug as well as on either end of the plug. This process is not limited to specific or single colors.

Specifically, a method to orient and convey earplugs past a high-speed printing machine is used to accomplish this process. Alignment of the printer(s) to the earplug allows for printing on all sides and ends of the earplug. Through high-speed automation, the pattern of the graphic would be repeatable and consistent from earplug to earplug.

Date:

Aearo Company - R.I.D.

Title:

R.I.D. No. 033

Date:

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Date of Conception:

(The date on which a definite means or method for accomplishing a desired result first occurred to the inventor(s).)

Has the invention, to the knowledge of the inventor(s), been:

a) described in a printed publication? ☐ yes

X no

b) placed on sale or in commercial use? ? yes

X no

If you answered "yes" to either a) or b), please describe:

Inventor(s)

Daniel A. Maude

Name of Inventor

W. G. Marshall

Signature

John Jurney

Name of Inventor

Signature John H. Hanks

Signature

Name of Inventor

Signature

Date _____

Name of Inventor

Signature

Date _____

Witness(es):

Explained to and understood by me this _____ day of _____

MICHAEL BIRDWELL

Name of Witness

Michael Birdall

Signature

Explained to and understood by me this _____ day of _____

Name of Witness

Signature

Date

EXHIBIT B

Aearo

Aearo Company
7911 Zionsville Road
Indianapolis, IN 46268-1657
317-692-6666 Fax: 317-692-3116

November 13, 1999

Mary Alice Osterbauer
Aearo Company
90 Mechanic Street
Southbridge MA 01550

Re: Record of Invention #033
Earplug Printing

Dear Mary:

R.I.D. #033 for "Earplug Printing" is enclosed.

If you have any questions, you can reach me at the number shown below. Thank you for your assistance.

Yours truly,



Cyd Kladden
Technical Secretary
317-692-3066

Enc

EXHIBIT C

Aeero

E-A-R/Aeero Company
7911 Zionville Road
Indianapolis, IN 46268

Fax

To: Mike Cantor

From: Richard Knauer
317-692-3033 (phone)
317-692-3116 - Fax

Date: March 10, 2000

Pages (including cover): 4

Attached please find a copy of RID #33 which was written up and submitted. This RID specifically dealt with the concept of printing designs on the sides of plugs.

EXHIBIT D

Cantor Colburn LLP*Intellectual Property Attorneys*

55 Griffin Road South
Bloomfield, Connecticut 06002
phone: 860-286-2929
fax: 860-286-0115

101 Merritt 7
Norwalk, Connecticut 06856
phone: 203-849-8266
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of counsel:

David S. Fishman
Richard A. Menely

patent agent:

George J. Lyman
J. Michael Buchanan, Ph.D.
Karen A. Jalbert
Frank E. Tian

*Not admitted in Connecticut

May 18, 2000

Richard E. Knauer
AEARO COMPANY
7911 Zionsville Road
Indianapolis, Indiana 46268

Re: New U.S. Patent Application
For: PROCESS FOR APPLYING A DECORATIVE PATTERN
TO EARPLUGS
Our Ref: CAO-0090

Dear Dick:

Enclosed is a draft of a proposed patent application covering the above-identified invention.

The application should be reviewed carefully by the inventor(s) and anyone else having technical responsibility for the invention. Please advise if there is any question as to who should be named as an inventor. Otherwise, we will assume the inventor(s) are correctly identified in the "Re" section of this letter.

After review of the application is complete, please advise us of any comments, suggestions, corrections, changes, or supplementary information. Please call if only a few minor changes appear to be necessary.

With best regards,

Very truly yours,

Edward J. Ellis

EJE/smm

Enclosure: Proposed Patent Application

FAX RECEIVED

APR 28 2003

TECHNOLOGY CENTER 2800